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PTO/PCT Rec'd 30 MAR 2000

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## FACSIMILE COVER SHEET

TO: USPTO Box PCT

FAX NO: 703-305-3230

CONFIRM NO: 703-305-3693

FROM: JEROLD I. SCHNEIDER

USER ID: JS02494

CLIENT/MATTER NO: 74712/98807

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(including cover page)

5

DATE: 03/30/00

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## Comments

Enclosed is Petition to Withdraw Holding of Abandonment plus copy of Change of Address*If you have any problems reading this facsimile,  
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24 APR 2000  
Legal Staff  
International Division

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**PATENT**  
**ORIGINAL VIA FACSIMILE**  
**703-305-3230**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: HICKS et al  
Application No: 09/230275  
International App. No PCT/US97/13321  
IA Filing Date: 23 July 97  
For: Cholesterol Separation and Fluorescent Analysis

**PETITION TO WITHDRAW  
NOTIFICATION OF ABANDONMENT**

Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Sir:

This is a Petition to Withdraw the Notification of Abandonment (PCT/DO/EO/909) mailed 02 March 2000. This Petition is filed pursuant to MPEP § 711.03(c) and 37 CFR §1.181 based upon non-receipt of the notification of Missing Requirements. This Petition is timely under 37 CFR §1.181(f).

1. I am the attorney of record for this application. This application was initially filed as a PCT application on 23 July 1997, and then filed (entry into U.S. National Stage) on January 22, 1999. During the entire time period of such filings, I was a partner at the firm of Dorsey & Whitney LLP. I relocated my law practice to the firm of Arter & Hadden, LLP on October 1, 1999, and the complete file for this U.S. application, as well as the complete file for the corresponding PCT application was transferred to me at my new firm.

2. According to the Notification of Abandonment, a notification of Missing Requirements was mailed 7 July 1999. This would have been at the time that I was still at Dorsey & Whitney LLP.

3. I have personally reviewed the complete physical file for this U.S. application. There was no notification of Missing Requirements in the physical file. As a precaution, I also personally reviewed the physical file for the corresponding PCT application to determine if a notification of Missing Requirements was received and inadvertently physically placed in the wrong file. There was no notification of Missing Requirements in the corresponding PCT application file.

4. The procedure at Dorsey & Whitney was that when correspondence from the USPTO was received, the correspondence went directly to the docketing department. The correspondence was entered into a computerized docketing system, and a computer print-out was generated and placed in the file. I have personally reviewed all the computerized docket sheets for this U.S. application, and there is no indication that a notification of Missing Requirements was ever received. As a precaution, I also personally reviewed all the computerized docket sheets for the corresponding PCT application, to determine if a notification of Missing Requirements was received and inadvertently docketed for the PCT application instead of being docketed for the US application. There was nothing in the docket sheets for the PCT application which indicated that a notification of Missing Requirements had been received.

5. The reason I reviewed the physical files was to determine if, possibly, a notification of Missing Requirements was received but not processed through the docketing department, and the absence of the notification of Missing Requirements from the physical files confirms that this did not occur.

6. The reason I reviewed all computerized docket sheets was to determine if, possibly, a notification of Missing Requirements was received and docketed but not associated with the physical file, or received, docketed, and thereafter misplaced or lost. The absence of any reference (in the docket sheets) to the receipt of a notification of Missing Requirements confirms that this did not occur.

7. The papers to enter the U.S. National Stage were filed January 22, 1999. The undersigned arranged for Declarations to be signed by the inventors, and this was done in early February 1999, over one year ago. The signed Declarations were in the physical file for the U.S. application with a "post-it" note hand written by the undersigned which read "Hold for "Missing parts Notice". The Declarations and "post-it" note are still in the U.S. application file.

8. When the file was physically transferred to me at Arter & Hadden, LLP, on or about October 1, 1999, the file was reviewed by the docketing department at Arter & Hadden, LLP, and a reminder date, for a status check, was entered for July 22, 2000, which would be 18 months after the "U.S" date of January 22, 1999. (The significance of the January 22, 1999 date is explained in paragraph 7.) This docket entry is yet another confirmation that the file did not include a notification of Missing Requirements.

9. On November 2, 1999, a Change of Address was filed in the instant application. Apparently that change of address has not yet been associated with the file by the PTO because the Notification of Abandonment mailed 2 March 2000 was sent to me at my prior address. A duplicate copy of the change of address is enclosed.

10. The undersigned hereby offers to provide copies of all docket sheets referred to above, plus a copy of the "post-it" note referred to above, if requested by the PTO.

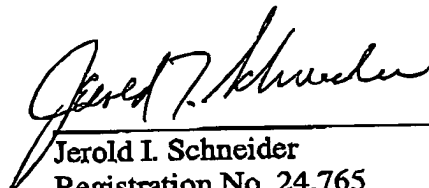
11. Based on paragraphs 1-8 and 10 above, the notification of Missing Requirements was never received from the USPTO. Therefore, pursuant to 37 CFR §1.181, applicant petitions for withdrawal of the Notification of Abandonment.

As a practitioner registered to practice before the United States Patent and Trademark Office, I hereby certify the accuracy of the foregoing statements.

The foregoing is being filed as an original via facsimile. A paper copy will be filed if requested.

Respectfully submitted,

March 30, 2000

  
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Jerold I. Schneider  
Registration No. 24,765  
(202) 775-7100  
Attorney for Applicants

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re:

Applicant: Phillip A. Guadagno

Application No. 09/230,275

Filed January 22, 1999

For: Cholesterol Separation And Fluorescent Analysis

NOTICE OF CHANGE OF CORRESPONDENCE ADDRESS

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

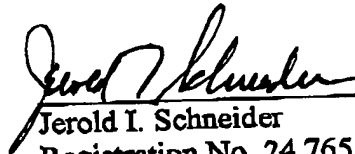
Sir:

In connection with the above application, please change the correspondence address to:

Jerold I. Schneider  
Arter & Hadden, LLP  
1801 K Street, N.W., Suite 400K  
Washington, D.C. 20006-1301  
Phone (202) 775-7100  
Fax (202) 857-0172

I certify that I am authorized to submit this change of correspondence address for this application. An original change of address form has been filed with the Office of Enrollment and Discipline.

Respectfully submitted,

  
Jerold I. Schneider  
Registration No. 24,765

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